

Message

From: Niess, Claudia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=740CBE18BC564FC690871D433F58C894-CNIESS]
Sent: 2/25/2021 5:46:04 PM
To: Beaver, Brad [brad.beaver@illinois.gov]; Moss, Suzanne [Suzanne.Moss@Illinois.gov]
CC: Capiro, Mirtha [capiro.mirtha@epa.gov]
Subject: FW: Action Required: Notice of Warning, Trical, Inc. d/b/a Cardinal Professional Products
Attachments: 19FI111_Soil Chemical_NOW_20210224.pdf

Hi Brad and Suzanne:

I am forwarding the attached Notice of Warning issued to the parent company of Soil Chemical, dba Cardinal Professional Products, for your information. This NOW was issued following our review of the IDA inspection at Soil Chemical, located in Decatur, Illinois (IDA case number 049-63-19-11734).

Thank you and your staff for your work in this matter.

Claudia Niess
Enforcement Officer
Pesticides & Toxics Compliance Section
U.S. Environmental Protection Agency, Region 5
P: (312) 886-7598

From: Niess, Claudia
Sent: Wednesday, February 24, 2021 3:48 PM
To: rwitt@trical.com
Cc: R5LECAB <R5LECAB@epa.gov>
Subject: Action Required: Notice of Warning, Trical, Inc. d/b/a Cardinal Professional Products



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

VIA EMAIL ONLY

Mr. Robert Witt
Controller
Trical, Inc., d/b/a Cardinal Professional Products
8770 Highway 25
Hollister, California 95204

rwitt@trical.com

NOTICE OF WARNING

Dear Mr. Witt:

This Notice of Warning (Notice) constitutes formal notification by the U.S. Environmental Protection Agency (EPA), pursuant to Section 9(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), that there is reason to believe an establishment under your ownership or control, Soil Chemical Corporation, d/b/a Cardinal Professional Products, (Soil Chemical or you) has committed an unlawful act under Section 12(a)(2)(B)(i) of FIFRA by failing to maintain records as required by Section 8 of FIFRA.

On April 11, 2019, an inspector with the Illinois Department of Agriculture (IDA) conducted an inspection at Soil Chemical, located at 3150 N. Woodford Street, Decatur, Illinois 62526. During that inspection, IDA collected a copy of records of production or repackaging of the pesticide "VAP-X," EPA Registration Number (EPA Reg. No.) 8536-1. The records of production or repackaging failed to identify and/or specify the EPA registration number assigned to the pesticide under Section 3 of FIFRA.

Section 8(a) of FIFRA states, in part, that EPA may prescribe regulations requiring producers to maintain records with respect to their operations and pesticides produced and distributed. EPA's regulations at 40 C.F.R. § 169.2(a) require all producers, including repackagers, of pesticides to maintain records showing, among other requirements, the EPA registration number of all pesticides produced and repackaged. The failure to maintain records as required by 40 C.F.R. § 169.2 and Section 8(a) of FIFRA is a violation of Section 12(a)(2)(B)(i) of FIFRA.

Unlawful acts under FIFRA are subject to the civil and criminal penalty provisions at Section 14(a) of FIFRA, 7 U.S.C. § 136l(a).

Please inform EPA of all corrective actions you have undertaken or will undertake to bring your company into compliance with FIFRA within thirty (30) calendar days of receipt of this Notice of Warning. Failure to reply within the allotted time may result in further action by EPA. All correspondence regarding this Notice should be directed to Claudia Niess, Enforcement Officer, of my staff, by email at niess.claudia@epa.gov and R5LEECAB@epa.gov.

You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to us. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If you fail to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it.

If any portion of your response contains information which it claims as confidential business information (CBI), please submit a complete copy of the response identifying the information that is CBI to:

Claudia Niess (ECP-17J)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

Please do not send any CBI by email.

Please also send a second copy of your response including the information that is CBI, with the CBI portions redacted, to include only that information that Soil Chemical is NOT claiming as CBI. Please send those non-CBI documents to EPA electronically to niess.claudia@epa.gov and R5LEECAB@epa.gov.

If you are unable to respond in a timely fashion because of impacts related to the COVID-19 pandemic, please submit a written extension request via email, explaining the specific impacts on your ability to respond timely.

Ms. Niess can also be reached at the above email address or by telephone at (312) 886-7598. EPA is committed to the protection of human health and the environment. Thank you for your prompt attention to this matter.

Sincerely,

Patrick F. Kuefler
Chief
Land Enforcement and Compliance Assurance Branch

cc: Land Enforcement and Compliance Assurance Branch
RSLEECAB@epa.gov

Illinois Department of Agriculture
049-63-19-11734